

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michelle A. Merella
Debtor(s)

Bankruptcy Case No.: 19-23519-GLT
Issued Per 3/12/2020 Proceeding
Chapter: 13
Docket No.: 42 - 18
Concil. Conf.: March 12, 2020 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 4, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,276.00 as of March, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 12, 2020 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 16 of PNC, CLaim No. 19 & 13 of Midland Funding, Claim No. 14 & 15 PRA .
- ☒ H. Additional Terms: Claim No. 6 of Ford Motor governs at terms of the plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: March 12, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michelle A. Merella
 Debtor

Case No. 19-23519-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 28

Date Rcvd: Mar 12, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2020.

db
 15134885 +Michelle A. Merella, 127 Dominion Lane, West Newton, PA 15089-1298
 Directv, c/o Diversified Consultants, PO Box 679543, Dallas, TX 75267-9543
 15139354 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, PO Box 62180,
 Colorado Springs, CO 80962-2180)
 15118355 +Ford Motor Credit Company, P.O. Box 152271, Irving, TX 75015-2271
 15118356 PNC Bank, 3232 Newmark Drive, Miamisburg, OH 45342-5421
 15158553 +PNC Bank, N.A., P.O. Box 94982, Cleveland OH 44101-4982
 15134892 +ROI, 1920 Greenspring Drive, Lutherville Timonium, MD 21093-4156
 15134893 +Rostraver Township Sewage Authority, 1744 Rostraver Road, Belle Vernon, PA 15012-4001
 15148210 UPMC Health Services, PO Box 1123, Minneapolis MN 55440-1123
 15148206 UPMC Physician Services, PO Box 1123, Minneapolis MN 55440-1123
 15118358 +Westmoreland County Tax Claim Bureau, 40 N. Pennsylvania Avenue, Suite 109,
 Greensburg, PA 15601-2341

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2020 03:06:54
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15134881 +E-mail/Text: CBCSMail@CBCSNational.com Mar 13 2020 03:03:58 CBCS, 520 E. Main Street,
 Carnegie, PA 15106-2051
 15134882 +E-mail/Text: CBCSMail@CBCSNational.com Mar 13 2020 03:03:58 CBCS, 250 East Town Street,
 Columbus, OH 43215-4631
 15134883 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 13 2020 03:04:01 Collection Service Center,
 839 5th Avenue, New Kensington, PA 15068-6303
 15134884 +E-mail/Text: ccusa@ccuhome.com Mar 13 2020 03:03:30 Credit Collection Services,
 16 Distributor Drive, Suite 1, Morgantown, WV 26501-7209
 15145903 E-mail/Text: G06041@att.com Mar 13 2020 03:04:15 Directv, LLC,
 by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008
 15134887 +E-mail/Text: LTDBankruptcy@ltdcommodities.com Mar 13 2020 03:04:32 LTD Commodities LLC,
 200 Tri State International, Lincolnshire, IL 60069-4407
 15134888 +E-mail/PDF: resurgentbknofifications@resurgent.com Mar 13 2020 03:06:19 LVNV Funding LLC,
 625 Pilot Road, Suite 213, Las Vegas, NV 89119-4485
 15135541 E-mail/PDF: resurgentbknofifications@resurgent.com Mar 13 2020 03:06:20 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15149289 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 13 2020 03:03:56 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 15134889 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 13 2020 03:03:56 Midland Funding LLC,
 2365 Northside Drive Suite 300, San Diego, CA 92108-2709
 15134890 +E-mail/Text: mawccollection@mawc.org Mar 13 2020 03:04:08
 Municipal Authority of Westmorland Co., 124 Park & Pool Road, New Stanton, PA 15672-2404
 15156376 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2020 03:06:54
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
 15119387 +E-mail/PDF: gecsed@recoverycorp.com Mar 13 2020 03:07:30 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15151178 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 13 2020 03:18:48 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
 15127760 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 13 2020 03:04:01 West Penn Power,
 5001 NASA Blvd, Fairmont WV 26554-8248
 15118357 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 13 2020 03:04:01 West Penn Power Company,
 76 South Main Street, Akron, OH 44308-1817

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 15134886* PNC BANK NATIONAL ASSOCIATION
 +Ford Motor Credit Company, P.O. Box 152271, Irving, TX 75015-2271
 15134891* PNC Bank, 3232 Newmark Drive, Miamisburg, OH 45342-5421
 15156513* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541)
 15134894* +West Penn Power Company, 76 South Main Street, Akron, OH 44308-1817
 15134895* +Westmoreland County Tax Claim Bureau, 40 N. Pennsylvania Avenue, Suite 109,
 Greensburg, PA 15601-2341

TOTALS: 1, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 28

Date Rcvd: Mar 12, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 12, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Karina Velter on behalf of Creditor PNC BANK NATIONAL ASSOCIATION amps@manleydeas.com
Kenneth Steidl on behalf of Debtor Michelle A. Merella julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5